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1	TRANSCRIPT OF PROCEEDINGS RECEIVED
2	Refore the 16 1994
3	FEDERAL COMMUNICATIONS COMMISSION Washington D. C. 20554 FEDERAL COMMUNICATIONS COMMISSION
4	OFFICE OF THE SECRETARY
5	IN THE MATTER OF: MM DOCKET NO. 93-75
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7	TRINITY BROADCASTING OF FLORIDA, INC.
8	GLENDALE BROADCASTING COMPANY Miami, Florida
9	MIAMI, FIORIGA
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24	DATE OF HEARING: January 18, 1994 VOLUME: 29
25	PLACE OF HEARING: Washington, D.C. PAGES: 4398-4513

1	Before the FEB 1 6 1994
2	FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554 FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY
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4	
5	In the matter of:
6	TRINITY BROADCASTING OF FLORIDA, INC.) and
7	GLENDALE BROADCASTING COMPANY) MM DOCKET NO. 93-75
8	Miami, Florida
9)
10	The above-entitled matter came on for hearing pursuant to notice before Judge Joseph Chachkin, Administrative Law Judge,
11	at 2000 L Street, N.W., Washington, D.C., in Courtroom No. 3, on Tuesday, January 18, 1994 at 9:35 a.m.
12	APPEARANCES:
13	
14	On behalf of Trinity Broadcasting of Florida, Inc.:
15	HOWARD A. TOPEL, Esquire CHRISTOPHER HOLT, Esquire NATHANIEL F. EMMONS, Esquire
16	Mullin, Rhyne, Emmons and Topel, P.C. 1000 Connecticut Avenue, Suite 500
17	Washington, D.C. 20036-5383
18	On behalf of Glendale Broadcasting Company:
19	LEWIS COHEN, Esquire Cohen and Berfield
20	Board of Trade Building
21	1129 20th Street, N.W. Washington, D.C. 20036
22	On behalf of S.A.L.A.D.:
23	DAVID McCURDY, Esquire 2144 California Street, N.W.
24	Suite 603
25	Washington, D.C. 20008

1	APPEARANCES (Continued):
2	On behalf of the Mass Media Bureau:
3	GARY P. SCHONMAN, Esquire
4	JAMES W. SHOOK, Esquire 2025 M Street, N.W., Suite 7212 Washington, D.C. 20554
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2					
3	MR. McCLELLAN	<u>Direct</u>	Cross	Redirect	Recross
4	James G. McClellar	n.			
5	By Mr. Topel By Mr. Cohen	4401	4402		
6	By Mr. Shook By Mr. McCurdy		4439 4502		
7	by Mr. McCurdy		4502		
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25	Hearing Began: 9	:35 a.m.	Hearing	Ended:	1:00 p.m.

1	PROCEEDINGS
2	JUDGE CHACHKIN: Are you ready with the next
3	witness?
4	MR. TOPEL: Yes, sir. I call to the witness stand
5	Mr. James McClellan.
6	(Whereupon,
7	James Grant McClellan
8	having first been duly sworn, was called as a witness herein
9	and was examined and testified as follows:)
10	DIRECT EXAMINATION
11	BY MR. TOPEL:
12	Q Sir, would you state your full name for the record,
13	please?
14	A James Grant McClellan.
15	Q And what is your residence address?
16	A 3540 S.E. El Camino Drive, Gresham, Oregon.
17	Q Sir, I'm showing you a document that has been
18	received into evidence in this proceeding as Trinity
19	Broadcasting of Florida Exhibit 109 and it bears the caption
20	Testimony of James G. McClellan. I'm directing your attention
21	to the supporting declaration that appears following Page 32
22	of that document and my question to you, sir, is that your
23	signature on that supporting declaration?
24	A Yes, it is.
25	Q And does this document constitute your direct

1	testimony	to the FCC in this proceeding?
2	A	Yes, it does.
3		MR. TOPEL: Thank you, sir. I believe the witness
4	is availa	ble for cross examination.
5		JUDGE CHACHKIN: Mr. Cohen?
6		CROSS EXAMINATION
7		BY MR. COHEN:
8	Q	Good morning, Mr. McClellan.
9	A	Good morning.
10	Q	I don't have many questions. I would first like to
11	ask you,	sir, did you attend the TBN National Managers'
12	Meeting in	n 1992?
13	A	Yes, sir.
14	Q	And that was in December of 1992?
15	A	I believe it was January of '92.
16	Q	January of '92?
17	A	I believe.
18	Q	And where was that held?
19	A	That was held at Trinity Broadcasting Network
20	headquarte	ers in Tustin, California.
21	Q	And who was present at that meeting?
22	A	Are you talking about the station managers' meeting?
23	Q	Yes.
24	A	There were the Trinity owned and operated station
25	managers,	affiliate stations we were one affiliate station.

1	There was National Minority, there was Claude Bowers, and a
2	number of other affiliates.
3	Q And did you attend the TBN National Managers'
4	Meeting in 1993?
5	A I believe I did.
6	Q And did that occur in January, also?
7	A I believe so.
8	Q And where did that take place?
9	A That was at the Trinity Broadcasting Network
10	headquarters.
11	Q And do you recall who was present at that meeting?
12	A All the affiliate stations were invited again,
13	Sunlight and all the other affiliates.
14	Q Now, did you attend any meetings in 1992 where any
15	NMTV directors were present?
16	A Yes. There was a special National Minority
17	Television directors' meeting in January of '92 and I was
18	invited to give a report.
19	Q And do you remember who was present at that meeting?
20	A Dr. E.V. Hill, Phil Aguilar, Lois Trader I believe
21	was there, Dr. Paul Crouch let's see who else was there.
22	Terry Hickey was there and let's see. Those are the people
23	I remember off the top
24	Q And where was that meeting held?
25	A That was held in Dr. Crouch's office.

1 Now, I want to ask you the same question about 1993. 2 Have you attended any meetings -- I take it that -- strike 3 I take it that was the only meeting in 1992 you attended where any NMTV directors were present, the one you 5 just testified about. 6 Α That's the only directors' meeting I've ever gone 7 to. 8 So you did not attend any in 1993 then. Q 9 Α I sent reports to other ones. 10 Would you look at Paragraph 16 of your testimony, 11 Mr. McClellan? I want to ask you a question about the -- it's 12 three lines -- four lines from the bottom where you make 13 reference to the insertion of local programming. Do you see 14 that? 15 Yes, sir. A 16 Would you state for the record what local 17 programming has been inserted? We are doing sixteen hours of local programming a 18 19 week. We do the Northwest Praise the Lord program, which is 20 two hours, on Tuesday mornings. We do that live 8:30 to 21 10:30. We do Friday morning, 8:30 to 10:30, another live 22 additional program. We also do --23 Q Same name? 24 Northwest -- I'm sorry, yes. Northwest Praise the 25 That plays twice a week. It's two new programs, fresh,

1	live programs. Then we also do a public affairs program
2	called Northwest Focus which plays Wednesday mornings at 8:30
3	in the morning and Thursday morning at nine in the morning.
4	Then we also rerun those programs.
5	We play Tuesday night, 11:30, begins a two-hour
6	run of Northwest Praise the Lord that we one of those two,
7	as well as we play a <u>Joy in the Morning</u> program and a
8	Northwest Focus program. So there's a three-hour block there.
9	Another three-hour block on Wednesday at 11:30 that begins
10	then. Then on Saturday morning, at 1:30 a.m., we rebroadcast
11	a two-hour <u>Praise the Lord</u> that was live on Friday and a
12	Northwest Focus at 5:30 a.m. and then the Joy program plays at
13	five a.m. during the week each half an hour each day.
14	Q For how long has this schedule that you've just
15	testified to been in effect?
16	A We started doing the <u>Joy</u> program in June of '92 and
17	I believe in September, we started doing Northwest Focus
18	Q September of what year?
19	A Of '92. And then we started doing Northwest Praise
20	the Lord, I believe, in November of '92, and since that time,
21	that's pretty much been the schedule.
22	Q Has the sixteen hours been the same since September
23	or November of 19 well, let's see. June of 1992 is when Joy
24	commenced.
25	A Right.

1	Q Is that when the when did the sixteen hours come
2	up?
3	A When we were doing all three programs which was
4	probably in the September/October time frame.
5	Q Well, November of '92 is when
6	A I'm sorry. November of '92.
7	Q So you've been doing sixteen hours since November of
8	'92.
9	A I believe so. I think we originally started doing
10	one <u>Northwest Focus</u> a week and then moved it to two <u>Northwest</u>
11	Focuses a week, shortly it could've been December, January.
12	Q Now, what programming is strike that. Is any TBN
13	programming preempted by local KNMT programming?
14	A In each one of those cases, we preempt TBN
15	programming.
16	Q How many hours a day is the station on the air?
17	A We're on 24-hours a day, sir.
18	Q And for how long has that been the case?
19	A I believe that was in November of '89, we did
20	eight hours and I believe it was January or February we went
21	to sixteen and I want to say
22	Q This is in '92?
23	A Of '91. I believe it would've been March or April,
24	I think, to my best of my recollection, was when we went to
25	24-hours a day.

1	Q	And do you get a do you receive 24 hours of TBN
2	programmi	ng?
3	A	Yes.
4	Q	Now, the programming that you've just described,
5	putting <u>J</u>	oy aside, is <u>Northwest Praise</u> is that program
6	carried o	n the TBN network?
. 7	A	Northwest Praise the Lord? No, it is not.
8	Q	Northwest Focus?
9	A	Is not.
10	Q	Joy, of course, is.
11	A	Yes.
12	Q	And when did you begin producing the <u>Joy</u> program?
13	A	In Portland?
14	Q	Well, no. Just when did you begin producing it? I
15	want b	riefly I want you to walk me through it. When did
16	you begin	producing the program?
17	A	Originally?
18	Q	Yes.
19	A	When I used to work for TBN I believe it was like
20	1980.	
21	Q	And then there was a gap, of course, when you left
22	TBN	
23	A	Right.
24	Q	And then when did you, again, produce the <u>Joy</u>
25	program?	

1	A We actually did it in Portland in '92 and I think
2	toward the end of '91, I believe, they asked me or the
3	first part of '92, they asked me to fly in to California and
4	would do the program. It would be a National Minority
5	program, but
6	Q Well, let me interrupt you and ask you, weren't you
7	doing weren't you producing the <u>Joy</u> program in 1989?
8	A Yes.
9	Q Were you producing it in '88?
10	A Yes.
11	Q Were you producing it in '87?
12	A Yes.
13	Q '86?
14	A Yes.
15	Q And that went all the way back to '80?
16	A Yes, sir.
17	Q Okay. I didn't now, I stand corrected. Now, in
18	'89, you were doing you were producing the <u>Joy</u> programming
19	the <u>Joy</u> program as a TBN employee. Is that correct?
20	A Yes.
21	Q And you came on board in Portland, what, January 1,
22	1990, as I recall?
23	A Yes, sir.
24	Q And then you continued to do the <u>Joy</u> program
25	strike that. Explain how the <u>Joy</u> program was produced

1	commencing in January of 1990 when you became an NMTV
2	employee.
3	A Jay Jones at TBN began hosting the program and the
4	young lady who had been producing it with me produced it and
5	so it was out of our hands. We did nothing with it.
6	Q Then there came a time when you began to produce the
7	Joy program again, correct?
8	A Yes, sir.
9	Q And when was that?
10	A That was when you say "produce"
11	Q Am I using the wrong word here?
12	A Well, let me explain. I hosted it, but they
13	produced it when I came back and did it for them.
14	Q Your point's well taken. I'm using the wrong word.
15	Hosting is the right word and I stand corrected. You were
16	hosting the program the <u>Joy</u> program before in 1989,
17	correct?
18	A Yes.
19	Q And then you became an NMTV employee on January 1,
20	1990, correct?
21	A Yes.
22	Q And you continued to host the program?
23	A No. Jay Jones hosted it.
24	Q Did you have any role at all in the <u>Joy</u> program in
25	when you came up to Portland?

	1120
1	A No, I did not.
2	Q There did come a time when you did have a begin a
3	role in with <u>Joy</u> , didn't there?
4	A Yes, sir.
5	Q And when was that?
6	A I want to say either the end of let's see. We
7	started doing <u>Joy</u> in Portland in '92, so it must've been it
8	must've been the end of '91.
9	Q And until and so from the time that you began
10	working in Portland, which was January 1 of 1990, you had
11	nothing to do with <u>Joy</u> at all until when?
12	A Until I believe the end of '91.
13	Q And then what role did you play?
14	A They asked me if I would come and host it and they
15	would continue producing it and then and I did that.
16	Q Is that when you were flying back and forth?
17	A Yes, sir.
18	Q Describe that briefly and what the time frame is and
19	what you were doing.
20	A I would fly to California for five days and do a
21	month's worth of programs and then fly back to Portland.
22	Q And what period of time did that cover when you were
23	flying back and forth?
24	A I believe that was the end of '91 and the first few
25	months of '92.

1	Q And then what happened so far as insofar as Joy
2	was concerned?
3	A I was informed that I was told originally that
4	they would give the <u>Joy</u> program to National Minority
5	Television when our studio was completed. So when our studio
6	was completed in June, then it became actually became a
7	National Minority Television program earlier than that, but
8	and then it became our program, we did.
9	Q When you refer to "they," you mean TBN?
10	A I'm sorry. Yes.
11	Q So as of June of 1992, the <u>Joy</u> program became an
12	NMTV program.
13	A I believe it was a little earlier than that.
14	Q Approximately?
15	A Approximately, yes.
16	Q And it's been broadcast at Portland ever since.
17	A Yes. We tape them and then we send them to TBN in
18	California and they play them on the network.
19	Q That's a more accurate statement than mine. Thank
20	you. Are you compensated for strike that. What is your
21	role now in the <u>Joy</u> program? What is your role what is
22	your role at the present time with reference to the Joy
23	program?
24	A I produce the <u>Joy</u> program and host the <u>Joy</u> program.
25	Q Now, are you are you personally compensated for

1	that?	
2	A	No, that's part of my job at National Minority
3	Television	1.
4	Q	I want to show you an exhibit and ask you about it
5	which deal	s with this matter. This would be Bureau Exhibit
6	383, I thi	ink. I believe that's correct.
7		JUDGE CHACHKIN: Is that the television agreement?
8		MR. COHEN: Yes, sir. That's right.
9		JUDGE CHACHKIN: The witness has the agreement.
10		MR. COHEN: I don't think I have to ask you about
11	the docume	ent. Thank you.
12		JUDGE CHACHKIN: There will be no questions about
13	the docume	ent from Mr. Cohen.
14		BY MR. COHEN:
15	Q	Will you describe briefly how the station's program
16	logs are p	prepared?
17	A	The station's program logs?
18	Q	Yeah.
19	A	We receive, on a computer, a computer copy of the
20	Trinity Br	coadcasting Network log and then my wife, who is the
21	traffic ar	nd public affairs, goes through the log and prepares
22	it for bro	padcast.
23	Q	Thank you. You carry the program Praise-a-thon,
24	correct?	Portland carries it?
25	A	Yes, sir.

1	Q And for how long has that program been carried?
2	A From when we went on the air.
3	Q Describe very briefly the <u>Praise-a-thon</u> program.
4	A The <u>Praise-a-thon</u> is twice a year and part of our
5	business that will carry it, so we can play it in its
6	entirely. It's a week-long it's the way that money is
7	raised for the Trinity network as well as eighty percent of
8	the money that comes all year long. Eighty percent of the
9	money comes from our zip codes, from our ADI. That's what
10	supports our station. That's part of the support for our
11	station.
12	Q Now, explain briefly how your how the station's
13	bills are paid.
14	A The station's bills?
15	Q Yeah. When the station gets a bill, how is it paid?
16	A We have an agreement with the Trinity Broadcasting
17	Network that we have a person in accounts payable their
18	accounts payable department that works for us and so we submit
19	we do the paper work, the P.O.'s and the other paper work
20	and prepare it and then it's sent to California to TBN and our
21	representative takes care of that.
22	Q When you said "P.O." a minute ago, you mean purchase
23	orders?
24	A I'm sorry. Purchase orders.
25	Q And will you describe the way your payroll is

1	processed	, the station's payroll is processed?
2	A	We have an agreement with the Trinity Broadcasting
3	Network to	handle our payroll. So we prepare the payroll and
4	take the :	information off the time cards whenever and FAX it to
5	the person	n that we were told that will take care of it for us
6	in the TBI	N payroll department and then the National Minority
7	checks cor	me back to us.
8	Q	And what's the bank that the checks are written on.
9	Do you kno	ow?
10	A	For payroll checks?
11	Q	Yes.
12	A	I don't remember the bank, but it's a bank in
13	California	a.
14	Q	The only bank account that you people have in
15	Portland i	is the petty cash bank account. Is that right?
16	A	Yes, sir.
17	Q	And that's a Portland bank.
18	A	Yes.
19	Q	Now, do you preempt the local programming you've
20	described	to broadcast the Praise-a-thon to broadcast
21	Praise-a-	thon?
22	A	During Praise-a-thon time, yes, sir.
23	Q	Everything's preempted then.
24	A	Everything is preempted.
25	Q	Now, would you you participate in the <u>Prayer</u>

1	Partner program, right? Prayer Partner Line activities?
2	A Yes, sir.
3	Q Would you describe that briefly for the record, what
4	the <u>Prayer Partner Line</u> is?
5	A Most Christian television stations have an
6	opportunity for people who watch their programming to call in
7	for prayer, to be given information about helps ministry, if
8	they need food, clothing, or counseling, or whatever else, and
9	we have a phone line, also, like that and we have prayer
LO	partners are volunteers that come give their time. We train
11	them and they answer the phones and minister to people as they
L2	call in.
١3	Q And that's a Trinity that's a Trinity that
L 4	program has originated with the Trinity Network. Isn't that
L 5	right?
L6	A They have a program that's similar to ours.
L7	Q And in point of fact, your the Portland station
18	is modeled after the Trinity program, isn't it?
19	A Well, it's similar. We rewrote the manual. We
20	didn't like their manual, so we wrote our own manual, put
21	together our own training, and we do things much differently
22	than they do.
23	Q Look at exhibit Mass Media Bureau Exhibit 372. I
24	think Mr. Topel has shown you showed you the game back
25	there.

1	A	That's Book Three then?
2		MR. TOPEL: 372 would be in Volume Six.
3		BY MR. COHEN:
4	Q	And tell me when you've found it, Mr. McClellan.
5	A	372?
6	Q	Yes. Have you found it? I'll help you if you have
7	any prob	lems.
8	A	I've found it now.
9	Q	Look at Page Six Page Five.
10	A	Excuse me. Which exhibit, sir?
11	Q	372, Page Five. See on the bottom where it says,
12	"Studio	is located at"?
13	A	Yes. Uh-huh.
14	Q	Now, do you see on the right in the second column
15	on the r	ight under Oregon, KNMT, Channel 24, NMTV?
16	A	Yes, sir.
17	Q	That is the <u>Prayer Partner Line</u> , isn't it?
18	A	Yes. This was before we had a <u>Prayer Partner Line</u>
19	and so p	eople called them.
20	Q	And the number that's listed there is the Trinity
21	Prayer P	artner Line, right?
22	A	Yes, it is.
23	Q	And you're saying that the Trinity number is no
24	longer t	he number that people call. Is that correct?
25	A	Right. They call our local number.

1	Q And when did that commence?
2	A I don't remember exactly, but that was one of the
3	first things we attempted to do when our booth when our
4	construction was finished and honestly, I don't remember
5	Q Well, give me your best estimate. If you can't give
6	me an estimate, then I don't want you to guess. But if you
7	can give me an estimate, do so. If you can't, you can't.
8	A I'm sorry. I didn't even think of that when I was
9	preparing. I apologize.
10	JUDGE CHACHKIN: Well, this is September 1991, so it
11	had to be sometime after that.
12	MR. McCLELLAN: Yes. I'm thinking it was the end of
13	'91, the first of '92, I think, sir.
14	BY MR. COHEN:
15	Q Well, maybe I can help your recollection and in 177
16	at 177 of your deposition, I either I or Mr. Shook I
17	think it was I who asked you the question, "First of all, the
18	prayer This is Line Six. "First of all, the prayer
19	ministry department at TBN headquarters, describe that
20	briefly, and you answered, Okay. Jay Jones is the director
21	and they on our local station, we have our own local prayer
22	partnership.
23	"But when we put up the 714-731-1000 number, they
24	have the prayer partner. They, meaning TBN, have the prayer
25	partner group. Many times, local prayer partners aren't on

the phones, but there's a department there that handles all the slips and that's just like our local prayer partner. They have prayer partners that volunteer," and then you said, "Does that explain?" and I answered, "Yes, it does."

and then I said, "Now, the telephone slips that are referenced in this letter are generated at your station?" and you answered, "Yes. People call in on the phone. They're watching TBN's programming usually and they want to get in touch with someone or they want to be on TBN's mailing list. They would call in and then we'd pass it on to TBN so they can handle it in the process." Now, your deposition was taken in September 29 of 1993. Does that refresh your recollection at all as to what the procedure was with reference to the phone number?

A Yes. I understand how that works. I thought you meant that you wanted the date of when we went on. What we do is we put our local number up. But if we don't have any local prayer partners, we put in the 714-731 so they have somewhere to call. But the slips that we send to California are usually the ones generated during their local programming. The calls that are generated on our local programming, we handle it ourself and we take care of emergencies and any other calls ourselves.

Q I see, I see. To your knowledge, the -- as the Judge pointed out to you, the <u>Praise the Lord</u> that's in

evidence, that I asked you about, was -- which is Exhibit 372, 2 is dated September 1991. Do you see that? The judge pointed 3 it out. 4 Α Yes. 5 Now, to your knowledge, do the more recent Praise 6 the Lord newsletters have a different prayer line telephone 7 number? 8 A They would have our prayer line number in them. 9 Do you make reports to TBN regarding the Prayer 10 Partner Line, you meaning the Portland station? 11 Α Do I make reports? 12 Does the Portland station make any reports to anybody in Trinity concerning the Prayer Partner Line? 13 14 A We keep Jay Jones informed on how -- the kind of 15 calls we get and how many calls so that they can be responsive 16 to the kind of programming they do. So we do send a report to 17 them to keep informed. 18 And how often is that sent? 19 I believe there's a monthly report that my prayer 20 supervisor sends. 21 Q And Jay Jones is a TBN employee, of course. 22 Right. He's head of the prayer ministry for the 23 network. 24 Q Now, you, in Portland, have a His Hand Extended 25 program, right?

1	A Yes, sir.
2	Q And that is modeled after the Trinity <u>His Hand</u>
3	Extended program. Is that right?
4	A Yes, it's similar.
5	Q Where are the differences between the strike
6	that. Why don't you describe very briefly what the <u>His Hand</u>
7	Extended program is?
8	A It's a food and clothing ministry to needy people.
9	We reach out to the minority community. The things we do
10	different I think what Portland does, as far as the
11	difference in our <u>His Hand Extended</u> , is we provide Bibles and
12	the translation so the minority people that come in most
13	people that come in are from minorities and so we provide a
14	Bible in their language. We do a lot more ministry at our His
15	Hand Extended. We have freezers of bread and we cooperate
16	with other ministry groups in the city, so ours is a big
17	priority in our the work that we do there.
18	Q Look at Paragraph 23 of your testimony.
19	A Paragraph
20	Q 23.
21	A 23.
22	Q And tell me when you've found it.
23	A I have it.
24	Q It's on Page 15. I just want to ask you about the
25	first sentence where you talk about your doing voice-overs

again for TBN and taping announcements for some of their
programs. What programs what TBN programs were you doing
voice-overs for?
A Which programs am I doing voice-overs for now?
Q Well, you say, "I also started doing voice-overs
again for TBN and taping announcements for some of their
programs when our audio booth was completed in Portland."
What when you say some, tell me what the programs were.
A They asked me to do the <u>Praise the Lord</u> program
announcement, and their monthly Love Gifts, and other
announcements as needed.
Q And how long did you do that?
A I have been doing that since let's see. When our
audio booth was finished, I started doing I've been doing
them since that date, according to our agreement we have.
Q Are you paid for that, you personally? Are you
compensated for that?
A I am not personally. The station is reimbursed. We
bill Media Services which bills TBN
Q And the agreement you're talking about is what
agreement?
A Is the services agreement.
Q The affiliation agreement or the television
production agreement?
A The production agreement that I have. I can show it